

ASSEMBLY BILL

No. 1481

Introduced by Assembly Member Anderson

February 27, 2009

An act to amend Section 2762 of the Fish and Game Code, relating to fisheries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as introduced, Anderson. Fisheries restoration.

The Keene-Nielsen Fisheries Restoration Act of 1985 funded Department of Fish and Game expenditures in fiscal years 1991–92 to 1993–94, inclusive, for the construction, operation, and administration of various projects designated in the plan developed by the department in accordance with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, and projects designed to restore and maintain fishery resources and their habitat damaged by past water diversions and projects and other development activities.

This bill would make technical, nonsubstantive changes in that funding provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2762 of the Fish and Game Code is
- 2 amended to read:
- 3 2762. (a) The Fisheries Restoration Account is hereby created
- 4 in the Fish and Game Preservation Fund. The moneys in the
- 5 Fisheries Restoration Account are hereby appropriated to the

1 department for expenditure in fiscal years 1991–92 to 1993–94,
2 inclusive, pursuant to subdivision (b).

3 (b) The moneys in the Fisheries Restoration Account may be
4 expended for the construction, operation, and administration of
5 projects designated in the plan developed by the department in
6 accordance with the Salmon, Steelhead Trout, and Anadromous
7 Fisheries Program Act (Ch. 8 (commencing with Sec. 6900), Pt.
8 1, Div. 6), and projects designed to restore and maintain fishery
9 resources and their habitat that have been damaged by past water
10 diversions and projects and other development activities.
11 Expenditures shall not be authorized for a project to be funded
12 under this subdivision before a date ~~which~~ *that* is 30 days after the
13 department has furnished a copy of the proposal for the project to
14 be funded, together with supporting descriptions, to the Joint
15 Committee on Fisheries and Aquaculture and to the Joint
16 Legislative Budget Committee. These projects shall have as their
17 primary objective the restoration of fishery resources identified in
18 the Salmon, Steelhead Trout, and Anadromous Fisheries Program
19 Act. Projects may include, but shall not be limited to, watershed
20 assessments, fisheries restoration planning, acquisition of lands,
21 restoration of habitat, restoration or creation of spawning areas,
22 construction of fish screens or fish ladders, stream rehabilitation,
23 and installation of pollution control facilities. Projects for
24 restoration or creation of spawning areas shall utilize natural
25 spawning rather than hatcheries to the extent possible.

26 Under no circumstances shall any water project be absolved
27 under this subdivision of any mitigation requirements ~~which~~ *that*
28 are placed upon it under existing law.

29 No land shall be acquired pursuant to this chapter by eminent
30 domain proceedings.

31 (c) Priority for funding shall be given to projects that employ
32 fishermen, fish processing workers, and others who are unemployed
33 or underemployed due to the elimination of a commercial fishing
34 season as a result of restrictions imposed by federal regulations.
35 This priority shall remain in effect only as long as those restrictions
36 are in force.

37 (d) Expenditures shall not be authorized for multiyear projects
38 funded under subdivision (b) before a date ~~which~~ *that* is 30 days
39 after the department has submitted an annual progress report on
40 the project and a copy of the work schedule for subsequent year

1 funding of the project to the Joint Committee on Fisheries and
2 Aquaculture and to the Joint Legislative Budget Committee.

3 (e) The department shall conduct a preproject and postproject
4 evaluation on each project recommended in the plan and program
5 developed by the department in accordance with the Salmon,
6 Steelhead Trout, and Anadromous Fisheries Program Act for which
7 money has been appropriated from the Fisheries Restoration
8 Account.

9 (f) The department may expend not more than 5 percent of the
10 funds annually appropriated from the Fisheries Restoration Account
11 for the administration of projects.

12 (g) The department may contract for services for the purpose
13 of conducting a preproject and postproject evaluation or for the
14 administration of projects.

15 (h) The department shall, during the last fiscal year of funding,
16 conduct a review of all previous and ongoing projects to determine
17 if the elements of the plan and program developed by the
18 department pursuant to the Salmon, Steelhead Trout, and
19 Anadromous Fisheries Program Act are being met, including the
20 goal of doubling the 1988 population of salmon and steelhead
21 trout, as declared in Section 6902.